

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

Alfredo Castellanos Bayouth, et al.

v.

NH Civil No. 05-ds-21-JD
PR Civil No. 02-2357

Gabriela Alejandra Guzman Pinal
and Luis Olmos Dueas

PROCEDURAL ORDER

Alfredo Castellanos has filed a response as directed by the court's order issued on August 17, 2005. Castellanos confirms that Alfredo Castellanos Bayouth and Alfredo Castellanos are the same person. He also confirms that he is the debtor in the bankruptcy case, In re Alfredo Antonio Castellanos Bayouth, 04-22496-SEK7, filed Nov. 8, 2004. The bankruptcy court has been notified of that clarification through a motion to file an amended certificate, filed by the bankruptcy trustee, John Zerbe, on September 6, 2005.

Castellanos titled his filing in this court: "Response in Compliance with Court Order and Seeking Other Remedies." Because Castellanos is the debtor in a bankruptcy proceeding, he lacks standing to proceed in this action. Because Castellanos no longer has standing in this case, the other remaining plaintiff, the Conjugal Partnership Castellano-Hambleton, also lacks standing to proceed.

John Zerbe, as the trustee in Casetellanos's bankruptcy proceeding, not Castellanos, is the proper party here unless and until Zerbe files a notice that he is abandoning this suit as property of the bankruptcy estate. To date, the trustee has not filed notice of abandonment or a motion to substitute himself for Castellanos in this case. The deadline for such a filing is September 9, 2005. To the extent Castellanos or Zerbe intended to request any relief in the context of the Response, that request was not properly presented in a motion by a party in this action and will not be considered by the court.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge
(Sitting by designation.)

September 7, 2005

cc: Alfredo Castellanos-Bayouth, Esquire
Angel E. Rotger-Sabat, Esquire
USDC-PR, Clerk